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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,331	02/17/2004	Mark R. Harms	030654	1100
26285 7590 02/21/2007 KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP 535 SMITHFIELD STREET PITTSBURGH, PA 15222			EXAMINER NGUYEN, NAM V	
			ART UNIT 2612	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/780,331

Applicant(s)

HARMS ET AL.

Examiner

Nam V. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) ✓
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The application of Harms et al. for a “retrofit electronic lock security system” filed February 17, 2004 has been examined.

Claims 1-20 are pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant trying to claim a computer program does not fall into any statutory categories of invention.

There is no practical application of a computer program as required under MPEP 2106 IV B 1(c). The only positive limitation associates with the program is instructions. However, as claimed unique code has no practical application. Examiner suggests changing “a computer program stored on a computer-readable medium,” to “a ROM or a magnetic diskette storing a computer program”.

Referring to Claim 20 is rejected as being dependent upon a rejected claim 19 above. And Furthermore, Applicant trying to claim the computer-readable medium includes a propagated signal does not fall into any statutory categories of invention.

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There is no practical application of a propagated signal as required under MPEP 2106 IV B 1(c). The only positive limitation associates with the propagated signal is the entry code. However, as claimed entry code has no practical application. Examiner suggests to remote a propagated signal.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 12-15 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Keskin et al. (US# 5,894,277).

Referring to claim 1, Keskin et al. disclose a programmable digital electronic lock as recited in claim 1. See Figures 1-2 and respective portions of the apparatus and method.

Keskin et al. disclose a locker unit (16) (i.e. an electronic digital lock) (column 1 lines 34 to 48; see Figure 1) comprising:

a housing structured (18) (i.e. outer housing) and arranged to be retrofit to an existing key operated locker (10) (i.e. door of a locker) (column 2 lines 64 to column 3 line 7; column 4 lines 54 to 60; see Figures 1 and 2); and

an electronically controlled locking mechanism (58) (i.e. a latch) enabling keyless entry into the locker (10) (column 5 lines 20 to 30; see Figures 2-6).

Referring to claim 2, Keskin et al. disclose the locker unit of claim 1, further comprising a user interface (20) (i.e. keypad) for receiving an entry code from a user (column 4 lines 60 to 67; see Figure 1).

Referring to claim 3, Keskin et al. disclose the locker unit of claim 2, wherein the user interface comprises a keypad (column 4 lines 60 to 67; see Figure 1).

Referring to claim 4, Keskin et al. disclose the locker unit of claim 2, wherein the user interface comprises a display panel (column 5 lines 3 to 5; see Figure 1).

Referring to claim 5, Keskin et al. disclose the locker unit of claim 4, wherein the display panel comprises a light emitting diode display (column 5 lines 3 to 5; see Figure 1).

Referring to claim 6, Keskin et al. disclose the locker unit of claim 1, wherein the locking mechanism is mounted to a lock channel of an existing key operated locker system ((column 2 lines 64 to column 3 line 7; column 5 lines 20 to 30; see Figures 1 to 6).

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Referring to claim 12, Keskin et al. disclose the locker unit of claim 1, further comprising electronics (96) (i.e. a circuit board) structured and arranged to fit inside a cavity (56) (i.e. inner housing) of a locker door (10) (column 2 lines 64 to column 3 line 7; column 6 lines 40 to 45; see Figures 1 to 6).

Referring to claim 13, Keskin et al. disclose the locker unit of claim 12, wherein the electronics (96) (i.e. a circuit board) comprise a micro-controller (i.e. a microcontroller chip) performing open individual lock command (column 6 lines 55 to 58; column 7 lines 21 to 29; see Figure 6).

Referring to claim 14, Keskin et al. disclose the locker unit of claim 12, further comprising a power supply including a battery (column 6 lines 46 to 55; see Figure 6).

Referring to claim 15, Keskin et al. disclose the locker unit of claim 12, further comprising a motor controller (96) (i.e. circuit board controller) for instructing a motor (98) (i.e. a magnetic latching solenoid) to inhibit and release the electronic locking mechanism (58) (i.e. a latch) (column 6 lines 59 to column 7 line 11; see Figures 5-6).

Referring to claim 17, Keskin et al. disclose the locker unit of claim 12, further comprising a network interface (126) (i.e. optical port) (column 7 lines 30 to 59; see Figures 7 to 9).

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Referring to claims 18-20, Keskin et al. disclose a method and a computer readable medium storing a computer program comprising:

receiving an entry code through an electronically controlled locking mechanism retrofit to an existing key operated locker (column 4 lines 60 to column 5 line 2; column 7 lines 30 to 39; see Figure 1); and

proving keyless entry into the locker when the entry code is subsequently entered (column 2 lines 17 to 48; column 5 lines 55 to 64).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keskin et al. (US# 5,894,277) as applied to claim 1 above, and in view of Tsukada (US# 5,701,988).

Referring to claim 7, Keskin et al. disclose the locker unit of claim 1, however, Keskin et al. did not explicitly disclose wherein the locking mechanism comprises a cylinder for receiving a control key.

In the same field of endeavor of an electronic lock of a locker, Tsukada teaches that locking mechanism comprises a cylinder (23) for receiving a control key (column 2

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lines 36 to 40; column 3 line 1 to 9; see Figure 3) in order to set a deadbolt in an open or a close position.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize using a key cylinder to turn the deadbolt in the open or close position by Tsukada in the electronic control circuit of the electronic lock of Keskin et al. because having a key insert cylinder for turning to open or close a door would be provide a convenience and simplicity to the user.

Referring to claim 8, Keskin et al. disclose the locker unit of claim 1, Tsukada discloses wherein the locking mechanism comprises a cylinder (23) including a knob (25) (i.e. a key using for turning) (column 2 lines 43 to 58; column 3 lines 50 to 60; see Figure 3) in order to set a deadbolt in an open or a close position.

Referring to claim 9, Keskin et al. in view of Tsukada disclose the locker unit of claim 8, Tsukada discloses wherein turning the knob (25) moves a deadbolt (54) (column 2 lines 43 to 58; column 3 lines 50 to 60; see Figures 3 to 5).

Referring to claim 10, Keskin et al. in view of Tsukada disclose the locker unit of claim 9, Tsukada discloses wherein the knob is turned manually by a user (column 2 lines 43 to 58; column 3 lines 50 to 60; see Figures 3 to 5).

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Referring to claim 11, Keskin et al. disclose the locker unit of claim 1, Tsukada discloses further include a coin slot (22) (column 2 line 32; see Figure 3) in order to collect user operated locker fee.

Referring to claim 16, Keskin et al. disclose the locker unit of claim 12, Tsukada discloses a sensor (70) for detecting bolt position (column 4 lines 51 to 59; see Figure 1 and 5-6) in order to permit insertion of coins to continuous operation of the locker.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barth (US# 4,844,228) discloses a coin holding mechanism for coin operated locker.

Frisch (US# 5,212,644) discloses an incremental rate locker system.

Mazzoni (US# 5,233,343) discloses a stowing system with adjacent lockers usable in particular in railway stations or airports.

Widmer (US# 5,573,098) discloses a card-activated lock mechanism.

Geiger (US# 6,260,392) discloses a lock, especially for a lock installation.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
February 12, 2007



BRIAN ZIMMERMAN
PRIMARY EXAMINER